

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TERRANCE DAUGHERTY,

**Petitioner,**

**V.**

DONALD GAETZ,

**Respondent.**

**Case No. 09-CV-0648-MJR**

**ORDER**

**REAGAN, District Judge:**

This habeas corpus case under 28 U.S.C. § 2254 was referred to Magistrate Judge Philip M. Frazier on March 10, 2009. Currently pending is Judge Frazier's report and recommendation (Doc. 12) on the motion for more definite statement of Donald Gaetz, the Warden of Menard Correctional Center (Doc. 7). Judge Frazier recommends that the Court grant the motion and dismiss the case without prejudice because Daugherty is still pursuing his state remedies in the Circuit Court of Randolph County, Illinois.

The Report was served on Gaetz electronically on the day of issuance (May 24, 2010) and on Daugherty a few days later (May 28, 2010). Served with the report was a notice informing the parties of their right to file objections to the report within 14 days of service. To date, no objections have been filed, and the period in which such objections may be filed has expired. Without objections from either party, the Court need not conduct de novo review. 28 U.S.C.A. § 636(b) (West Supp. 2009); *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985); *Video Views Inc. v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986); *see also Shur v. L.A. Weight Loss Ctrs., Inc.*, 557 F.3d 752, 760 (7th Cir. 2009) (“If no party objects to the magistrate judge’s action, the district judge may simply accept it.”).

The Court **ADOPTS** the report and recommendations of Judge Frazier in their entirety (Doc. 12). Accordingly, the Court **GRANTS** the Gaetz's motion (Doc. 7) and **DISMISSES** the case **WITHOUT PREJUDICE**. The Clerk is **DIRECTED** to close the case.

**IT IS SO ORDERED.**

**DATED June 24, 2010.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
United States District Judge